

Environmental Protection Agency

§ 52.622

EPA APPROVED HAWAII NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES— Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
342B-53	Other action not barred	12/14/11	8/9/12, 77 FR 47530	Laws 1992, Act 240, pt of § 1. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM _{2.5} national ambient air quality standards.
342B-54	Priority in courts	12/14/11	8/9/12, 77 FR 47530	Laws 1992, Act 240, pt of § 1. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM _{2.5} national ambient air quality standards.
342B-55	Consent orders; settlement agreements.	12/14/11	8/9/12, 77 FR 47530	Most recently amended in Laws 1993, Act 208, § 10. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM _{2.5} national ambient air quality standards.

[70 FR 44854, Aug. 4, 2005; 70 FR 49377, Aug. 23, 2005, as amended at 74 FR 11040, Mar. 16, 2009; 74 FR 27710, June 11, 2009; 74 FR 36119, July 22, 2009; 77 FR 24150, Apr. 23, 2012; 77 FR 25086, Apr. 27, 2012; 77 FR 47533, Aug. 9, 2012; 78 FR 11985, Feb. 21, 2013; 79 FR 17870, Mar. 31, 2014; 79 FR 19013, Apr. 7, 2014; 79 FR 49456, Aug. 21, 2014]

§ 52.621 Classification of regions.

The Hawaii plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
State of Hawaii	II	III	III	III	III

[37 FR 10860, May 31, 1972]

§ 52.622 Original identification of plan.

(a) This section identified the original “State of Hawaii Air Pollution Control Implementation Plan” and all revisions submitted by the State of Hawaii that were federally approved prior to June 1, 2005.

(b) The plan was officially submitted on January 28, 1972.

(1) Previously approved on May 31, 1972 in paragraph (b) of this section and now deleted from the SIP without replacement Air Pollution Control Law, Hawaii Revised Statutes, chapter 322, part V, section 322-68 and Public

Health Regulations, chapter 43, section 20.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Certification that the plan was adopted submitted on April 4, 1972, by the Department of Health.

(2) Telegram and letters (Non-regulatory) clarifying the plan submitted on May 8, 1972, by the Governor.

(3) Telegram (Non-regulatory) clarifying the particulate matter control strategy submitted on May 22, 1972, by the Governor.

(4) Letter (Non-regulatory) clarifying disapproval of the plan submitted on June 15, 1972, by the Governor.

(i) Previously approved on November 8, 1973 in paragraph (c)(4) of this section and now deleted from the SIP without replacement S.B. No. 1382–72, Act 100, section 7.

(ii) [Reserved]

(5) Revised regulations (in their entirety) for the State of Hawaii submitted on November 21, 1972, by the Governor.

(i) Previously approved on May 14, 1973 in paragraph (c)(5) of this section and now deleted from the SIP without replacement chapter 43, section 20.

(ii) [Reserved]

(6) Regulations establishing a permit system for agricultural burning submitted on May 15, 1973, by the Governor.

(7) Compliance schedule submitted on July 27, 1973, by the Governor.

(8) 18-month extension plan for particulate matter submitted on August 15, 1973, by the Governor.

(9) Date for attainment of the national ambient air quality standards for particulate matter submitted on April 25, 1974, by the Governor.

(10) Previously approved on April 23, 1979 and now deleted without replacement: A variance to the Hawaii Public Health Regulations, chapter 43, section 7(b)(5) submitted on September 12, 1978, by the Governor.

(11) A variance to the Hawaii Public Health Regulations, Chapter 43, Section 7(b)(5) submitted on February 22, 1979 by the Governor.

(12) The following amendments to the plan were submitted on August 21, 1980, by the Governor.

(i) XII. Air Quality Surveillance Network.

(13) A variance to the Hawaii Public Health Regulations, Chapter 43, section 8 (b)(1) submitted on November 25, 1980 by the Governor.

(14) Previously approved on September 30, 1982 and now deleted without replacement: A variance of the Hawaii Public Health Regulations, chapter 43, section 8(b)(1) submitted on April 6, 1982, by the Governor.

(15) Hawaii State Lead SIP Revision submitted on October 29, 1982, by the State.

(i) Previously approved on August 18, 1983 in paragraph (c)(15) of this section and now deleted from the SIP without replacement Hawaii Statute on Environmental Quality, Hawaii Revised Statutes, chapter 342, section 342–7.

(ii) [Reserved]

(16) The following amendments to the plan were submitted on December 20, 1982 by the State.

(i) Title 11—Department of Health, Chapter 60, Air Pollution Control.

(A) Amended sections 11–60–01 thru 11–60–29, 11–60–35 thru 11–60–38.

(B) Previously approved on August 18, 1983 and now deleted without replacement section 11–60–36.

(17) The following amendment to the plan was submitted on September 14, 1988, by the Governor's designee.

(i) *Incorporation by reference.* (A) Hawaii Department of Health.

(I) Section XII, Air Quality Surveillance Network adopted on August 16, 1988.

[37 FR 10861, May 31, 1972, as amended at 41 FR 8959, Mar. 2, 1976; 44 FR 23828, Apr. 23, 1979; 44 FR 46274, Aug. 7, 1979; 46 FR 40513, Aug. 10, 1981; 47 FR 3111, Jan. 22, 1982; 48 FR 37403, Aug. 18, 1983; 62 FR 34648, June 27, 1997; 69 FR 41432, July 9, 2004. Redesignated and amended at 70 FR 44854, Aug. 4, 2005; 74 FR 11040, Mar. 16, 2009]

§ 52.623 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Hawaii's plan for attainment and maintenance of the national standards. The State included various provisions in its plan to provide for the attainment of the State ambient air quality standards. As described in the Governor's letters of January 28, May 8, and May 22, 1972, these provisions were included for information purposes only and were not to be considered a part of the plan to implement national standards. Accordingly, these additional provisions are not considered a part of the applicable plan.

(b) *1997 8-hour ozone NAAQS:* The SIP submitted on December 14, 2011 is partially disapproved for Clean Air Act (CAA) elements 110(a)(2)(C) and (J), and is disapproved for CAA elements 110(a)(2)(D)(i)(II) and (D)(ii).

(c) *1997 PM_{2.5} NAAQS:* The SIP submitted on December 14, 2011 is partially disapproved for Clean Air Act (CAA)